

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE: PHILIPS RECALLED CPAP,	:	Master Docket: No. 21-mc-1230-JFC
BI-LEVEL PAP, AND MECHANICAL	:	
VENTILATOR PRODUCTS	:	MDL No. 3014
LITIGATION	:	
	:	
This Document Relates to: Amended	:	
Master Long Form Complaint for	:	
Personal Injuries and Damages (ECF No.	:	
834)	:	
	:	

**THE PHILIPS DEFENDANTS' MOTION TO DISMISS
THE COMPLAINT FOR FAILURE TO STATE A CLAIM**

Pursuant to Rules 12(b)(6) and 9(b) of the Federal Rules of Civil Procedure, Defendants Koninklijke Philips N.V., Philips North America LLC, Philips Holding USA, Inc. and Philips RS North America Holding Corp. (the “Philips Defendants”), through their undersigned counsel, respectfully move this Court for an order dismissing the Amended Master Long Form Complaint for Personal Injuries and Damages (ECF No. 834) for failure to state a claim upon which relief can be granted.

For the reasons set forth in the accompanying Memorandum of Law, the Philips Defendants respectfully request that the Court enter an order (a) granting the Motion, (b) dismissing all claims against the Philips Defendants with prejudice, and (c) granting such other and further relief as the Court deems just and appropriate.

The Philips Defendants request oral argument on this Motion.

Dated: January 6, 2023

Respectfully submitted,

/s/ Michael H. Steinberg
Michael H. Steinberg
steinbergm@sullcrom.com
CA Bar. No. 134179
SULLIVAN & CROMWELL LLP
1888 Century Park East
Los Angeles, CA 90067
Tel: 310.712.6670

Tracy Richelle High
hight@sullcrom.com
NY Bar No. 3020096
William B. Monahan
monahanw@sullcrom.com
NY Bar No. 4229027
Elizabeth N. Olsen
olsene@sullcrom.com
NY Bar No. 5621628
SULLIVAN & CROMWELL LLP
125 Broad Street
New York, NY 10004
Tel: 212.558.4000

*Counsel for Defendants Koninklijke
Philips N.V., Philips North America LLC,
Philips Holding USA, Inc., and Philips RS
North America Holding Corp.*

CERTIFICATE OF SERVICE

I hereby certify that on January 6, 2023, the foregoing document was electronically filed with the Clerk of the Court and served upon counsel of record through the Court's ECF filing system.

/s/ Elizabeth N. Olsen

Elizabeth N. Olsen
olsene@sullcrom.com
SULLIVAN & CROMWELL LLP
125 Broad Street
New York, NY 10004
Tel: 212.558.4000